

EXHIBIT K

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 MARCUS WHITFIELD,

17 Defendant.
18

No. CR 07-0366 VRW

**DECLARATION OF POLICE
OFFICER JIM TRAIL IN SUPPORT
OF UNITED STATES' OPPOSITION
TO DEFENDANT'S MOTION TO
SUPPRESS PHYSICAL EVIDENCE**

Hearing: August 28, 2007
Time: 10:30 a.m.
Court: Hon. Vaughn R. Walker

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21 I, Officer Jim Trail, do hereby declare:

- 22 1. I have been employed by the City and County of San Francisco as a San Francisco Police
23 for 9 years.
24 2. On April 29, 2007, while on duty, I participated in a probation search of Marcus
25 Whitfield's residence at 1855 Sunnydale Avenue, San Francisco, CA.
26 3. A computer check confirmed that Mr. Whitfield was on felony probation until June 21,
27 2009 and subject to a warrantless search condition.
28 4. Mr. Whitfield's home address of 1855 Sunnydale Avenue, San Francisco, CA., is on file

1 with the San Francisco Probation Department and is reflected in Mr. Whitfield's criminal
2 history.

3 5. On April 29, 2007, at approximately 8:15 p.m., the following police officers were
4 present at 1855 Sunnydale Avenue, San Francisco, CA.: myself, Officer Reboli, Officer
5 Kobold and Officer Campos. All four of us were dressed in San Francisco Police
6 Department police uniforms

7 6. Upon approaching the residence, Officer Kobold and I positioned ourselves at the back
8 door of the residence while Officers Reboli and Campos went to the front door of the
9 residence.

10 7. At no time either outside or inside of the residence, did I or any other police officer have
11 our hands on our firearms or display our firearms. Our firearms remained holstered.

12 8. Officers entered the house at approximately 8:30 p.m. after Ms. Donecia Colvin offered
13 to show Officers Campos and Reboli where Marcus Whitfield sleeps inside of the house.

14 9. During the search of the residence, I spent the majority of the time inside of the residence
15 on the first floor.

16 10. During the Probation search of the residence there were two Police Officers upstairs and
17 two Police Officers downstairs.

18 11. In a second floor bedroom, I observed a firearm and a loaded magazine laying next to the
19 firearm underneath a bed mattress. The firearm was found underneath the bed mattress,
20 which is exactly where Cavia Daniels told Officers Anderson and Ortiz the gun would be
21 on April 28, 2007.

22 12. The firearm was an Intratec Tec-9 9mm submachine gun, which matched the description
23 of the gun Cavia Daniels told Officers Anderson and Ortiz on April 28, 2007.

24 13. The majority of the clothing inside the bedroom were adult male clothes with smaller
25 boys clothes mixed in. I also observed large sized adult male shoes and there was mens
26 cologne on the dresser with gang signs on the dresser mirror.

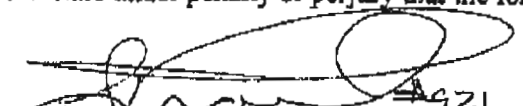
27 14. Numerous attempts were made to contact Ms. Colvin's mother on a telephone number
28 provided by Ms. Colvin's father, Duane Colvin.

15. I observed Duane Colvin present at 1855 Sunnydale, Avenue, San Francisco, CA.

1 16. I did not speak with Ms. Colvin on this day; however, I did see her in the residence and
2 she appeared calm. Ms. Colvin was not crying and she did not appear to be upset.

3 17. Ms. Colvin appeared to be helpful and cooperative with other officers.
4

5 I declare under penalty of perjury that the foregoing is true and correct.
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7 
8 Officer Jim Trail, Star #921
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10 Dated: 07-30-07
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